

Conceptual Model for Incorporating MTCA Cleanup Requirements into the Sediment Management Standards (SMS) Rule

Draft – Discussion Purposes Only

Part VII – Requirements for Cleanup Actions Under the Model Toxics Control Act

WAC 173-204-700 Sediment cleanup standards for MTCA cleanup actions.

- (1) **Applicability and purpose.** This section establishes sediment cleanup standard requirements for cleanup actions conducted under the authority of chapter 70.105D RCW. The cleanup policies and methods in this section are not considered part of the federally-approved water quality standards.
- (2) **Definition of sediment cleanup standard.** The sediment cleanup standard defines the maximum allowed chemical concentration and level of biological effects permissible at the cleanup site to be achieved by year ten after completion of the active cleanup action.
- (3) **Requirements for sediment cleanup standard.** Sediment cleanup standards are established on a site-specific basis and shall be at least as stringent as all of the following:
 - (a) Sediment cleanup standards established using the procedures in WAC 173-204-570.
 - (b) Sediment concentrations that are as close as practicable to levels that correspond to no significant human health risks, but in no case exceed regional background levels. Compliance with this provision shall be based on methods and policies in subsection (4) of this section.
- (4) **Human health risk policies and methods.** The following policies and methods shall be used to establish sediment concentrations that correspond to no significant human health risks:
 - (a) Sediment concentrations that correspond to no significant human health risk shall be at least as stringent as levels that correspond to no acute or chronic toxic effects on human health. Compliance with this provision shall be based on a hazard quotient of one (1).
 - (b) Sediment concentrations that correspond to no significant human health risk shall be at least as stringent as levels that correspond to no unacceptable cancer risks. Compliance with this provision shall be based on an individual lifetime excess cancer risk of one-in-one million (10⁻⁶).
 - (c) Sediment concentrations that correspond to no significant human health risk shall be based on estimates of the reasonable maximum exposures expected to occur under both current and future site use conditions. For sites located within a tribal usual and accustomed fishing area, the reasonable maximum exposure scenario shall be based on tribal fish consumption habits. The department has developed a statewide default fish consumption rate of XXX g/day. The department may approve other fish consumption rate for a particular cleanup site.
 - (d) Sediment concentrations that correspond to no significant human health risk shall be based on toxicological parameters established by the USEPA and available through the "integrated risk information system" (IRIS) data base. If a toxicological parameter for a particular substance is not available through IRIS, other sources may be used. The department will use the hierarchy in the USEPA Office of Solid Waste and Emergency Response (OSWER) Directive 9285.7-53 when evaluating the appropriateness of using alternative sources.

- (e) Sediment cleanup standards shall be set as close as practicable to the levels corresponding to no significant health risk. This determination shall take into account net environmental effects (including the potential for natural recovery of the sediments over time), cost and engineering feasibility of different cleanup alternatives.
- (f) Sediment cleanup standards shall not be established at sediment concentrations that exceed regional background concentrations.

[Statutory Authority: Chapter 70.105D. (Order ____), § 173-204-XXX, filed ____, effective ____.]